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JUL 21 2003

Special Program Unit  
Special Program Unit  
09/22/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application

Inventors: Naoyasu MIYAGAWA, et al. Art Unit 2655  
Appln. No.: 09/460,223 Examiner N. Hindi  
Filed: December 13, 1999

For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL  
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS

PETITION AND REQUEST FOR EXTENSION OF TIME  
UNDER 37 CFR 1.136(b) AND MPEP 1002.02(c) (8)

**Attention**  
**Special Application -**  
**Subject to Expedited**  
**Processing**

A Reply Brief and Request for Oral Hearing are due in this  
reissue application on July 23, 2003.

Applicants respectfully petition for and request a one-month  
extension of time to file a Reply Brief and Request for Oral  
Hearing in this application based on good cause pursuant to 37  
CFR 1.136(b).

The reasons for this Request are:

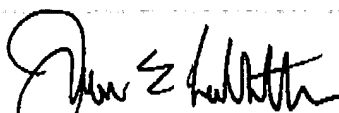
- (1) this application is subject to a recapture rejection,
- (2) a recent precedential Board decision in *Ex parte Eggert et al.*, Appeal No. 2001-0790, Application No. 09/110,145, decided May 29, 2003 and made available to the public on June 30, 2003, is pertinent to the recapture issues in this application, and
- (3) additional time is needed in order to evaluate the decision in *Ex parte Eggert et al.* and develop arguments in Appellants' Reply Brief in this application, taking into account

this recent decision.

Accordingly, a one-month extension of time to August 23, 2003 is respectfully requested.

If any fee is due, the fee may be charged to deposit account no. 19-4375.

Respectfully submitted,



Date: July 21, 2003

James E. Ledbetter  
Registration No. 28,732

JEL/att

ATTORNEY DOCKET NO. JEL 28567RE-D

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Special Program Unit  
Group 2700

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Docket No.

JEL28567RE-D

Applicant(s): Naoyasu MIYAGAWA et al.

Serial No.  
09/460,223Filing Date  
December 13, 1999Examiner  
N. HindiGroup Art Unit  
2655

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Invention:

OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL  
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS

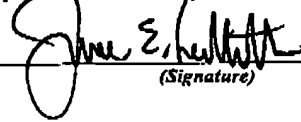
JUL 21 2003

**Attention** Special Program Unit  
**Special Application** Group 2700  
**Subject to Expedited**  
**Processing**

I hereby certify that this Petition and Request for Extension of Time  
(Identify type of correspondence)  
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-308-5401)  
on July 21, 2003  
(Date)

James E. Ledbetter, Reg. No. 28,732

(Typed or Printed Name of Person Signing Certificate)

  
(Signature)

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